United Nations A/HRC/WG.6/22/JAM/2

General Assembly

Distr.: General
2 March 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-second session
4–15 May 2015

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Jamaica

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures — including observations and comments by the State concerned —, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1971)	OP-CRC-SC (2011)	ICCPR-OP 2
	ICESCR (1975)		CAT
	ICCPR (1975)		OP-CAT
	CEDAW (1984)		ICPPED
	CRC (1991)		
	OP-CRC-AC (2002)		
	ICRMW (2008)		
	CRPD (2007)		
Reservations and/or declarations	ICERD (general declaration, 1971)		
	CEDAW (reservation: art. 29, para. 1, 1984)		
	OP-CRC-AC (general declaration: art. 3, para. 2, age of recruitment at 18 years, 2002)		
Complaints procedures, inquiries and urgent action[3]	CRPD-OP (signature, 2007)		ICERD, art. 14
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1[4]
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			OP-CRPD (signature, 2007)
			ICPPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Palermo Protocol[5] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, Geneva Conventions of 12 August 1949 and Additional Protocols I and II[6] ILO fundamental conventions[7] UNESCO Convention against Discrimination in Education	1961 Convention on the Reduction of Statelessness	Rome Statute of the International Criminal Court ILO Conventions Nos. 169 and 189[8] Additional Protocol III to the 1949 Geneva Conventions[9] 1954 Convention relating to the Status of Stateless Persons

1. In 2013, the Committee on Economic, Social and Cultural Rights (CESCR) encouraged Jamaica to sign and ratify OP-ICESCR.[10]

2. In 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Jamaica to ratify CAT, ICPPED[11] and OP-CEDAW[12] and recommended that Jamaica ratify OP-CRPD.[13]

3. In 2011, the Human Rights Committee (HR Committee) recommended that Jamaica reconsider its decision not to re-accede to ICCPR-OP 1, and that it accede to ICCPR-OP 2.[14]

4. In 2013, the Committee on the Elimination of Racial Discrimination (CERD) and CEDAW encouraged Jamaica to ratify International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169 and Domestic Workers Convention, 2011 (No. 189).[15]

5. CEDAW recommended that Jamaica accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[16] CERD recommended that Jamaica re-examine its reservation to ICERD, and consider withdrawing it.[17]

6. The Committee on the Rights of the Child (CRC) recommended that Jamaica ratify, inter alia, CAT, ICPPED and OP-CRC-IC.[18]

B. Constitutional and legislative framework

7. CEDAW welcomed the adoption of legislative measures aimed at eliminating discrimination against women, including the Charter of Fundamental Rights and Freedoms (Constitutional Amendment Act) (2011), which provided for the right to non-discrimination, the Sexual Offences Act (2011), and the Child Pornography Prevention Act (2010), which is aimed at promoting gender equality and eliminating violence against women and girls.[19]

8. While noting the adoption of the Charter of Fundamental Rights and Freedoms, CESCR was concerned at the narrow scope of prohibited grounds for discrimination. It

called upon Jamaica to amend its laws and to adopt a comprehensive anti-discrimination framework law.[20] The United Nations country team (UNCT) stated that the definition of discrimination should encompass both direct and indirect discrimination, and discrimination in all areas of life, including the public and private spheres and by both public and private actors.[21]

9. HR Committee recommended that Jamaica take appropriate measures to ensure that the provisions of the Covenant (ICCPR) were taken into account before domestic courts.[22] CESCR recommended that Jamaica take all appropriate steps to ensure that all provisions of the Covenant (ICESCR) were given full effect in the domestic legal order and could be invoked before courts.[23]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[24]

10. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (SR on Torture) called upon the Government to establish an effective independent national human rights institution, and provide it with adequate financial and human resources.[25] HR Committee, CERD, CEDAW and CESCR made similar recommendations.[26]

11. UNCT noted that Jamaica had accepted recommendation 98.3, made during the first universal periodic review (UPR), to continue harmonizing its domestic legislation with its international human rights obligations,[27] and stated that although arrangements existed in the Ministry of Foreign Affairs and Foreign Trade and the Ministry of Justice, there was no permanent institutionalized system in place to coordinate Government engagement with the international and regional mechanisms for implementing recommendations and ensure reporting. UNCT recommended that the Government institutionalize a permanent coordination structure to monitor and report on the implementation of Jamaica's obligations vis-à-vis human rights instruments and mechanisms, both international and regional, and on the recommendations by those mechanisms.[28]

12. Referring to the recommendations regarding education from Jamaica's first UPR, United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Jamaica be encouraged to further promote gender equality and human rights education.[29]

13. CRC expressed concern that there was no single identifiable governmental body with a clear mandate, the necessary authority and resources to effectively carry out the role as the monitoring and evaluation mechanism with respect to all laws, policies and programmes relating to the rights of the child. It recommended that Jamaica establish such a body.[30] It also recommended that Jamaica ensure the independence of the Office of the Children's Advocate so as to ensure full compliance with the Paris Principles and, to that effect, to seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF) and United Nations Development Programme (UNDP).[31]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[32]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2002	2012	August 2013	Twenty-first to twenty-third reports due in 2016
CESCR	November 2001	2010	May 2013	Fifth report due in 2018
HR Committee	October 1997	2009	November 2011	Fourth report overdue since 2014
CEDAW	August 2006	2010	July 2012	Eighth report due in 2016
CRC	June 2003	2011	January 2015	Fifth to seventh reports due in 2021; initial OP-CRC-AC report overdue since 2004; initial OP-CRC-SC report overdue since 2013
CMW	-	-	-	Initial report overdue since 2010
CRPD	-	-	-	Initial report overdue since 2010

14. CRC urged Jamaica to fulfil its reporting obligations under OP-CRC-AC and OP-CRC-SC.[33]

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2014	Broad reservation to the Convention; independent national human rights institution; asylum seekers and refugees[34]	-
HR Committee	2012	Discrimination on the basis of sex, sexual orientation and gender identity; extrajudicial killings; detention conditions[35]	2012;[36] additional information requested[37]
CEDAW	2014	Violence against women; marriage and family relations[38]	Reminder sent[39]

B. Cooperation with special procedures[40]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Torture	-

	Status during previous cycle	*Current status*
Visits agreed to in principle	-	-
Visits requested	-	Foreign debt Cultural rights Trafficking Human rights defenders Water and sanitation
Responses to letters of allegation and urgent appeals	During the period under review, one communication was sent to the Government, which replied to the communication.	
Follow-up report	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment [41]	

15. UNCT recommended that the Government consider welcoming more visits by international and regional special procedure mandate holders.[42]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

16. OHCHR provided technical cooperation and capacity-building support to UNCT and national stakeholders, in particular government counterparts, in the review of the status of the national implementation of the recommendations of the UPR and of international human rights mechanisms. A human rights adviser to UNCT was deployed to Jamaica in June 2014 under the United Nations Development Group Human Rights Mainstreaming Mechanism. The main thematic priorities and areas of work included strengthening the effectiveness of international human rights mechanisms, integrating human rights in development, enhancing equality, widening the democratic space and early warning and protection of human rights in situations of conflict, violence and insecurity with a focus on sexual and gender-based violence.[43]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

17. CEDAW was concerned about the persistence of cultural norms and traditional practices regarding the roles and identities of women and men in the family and in society. CEDAW called on Jamaica to take measures to address and eliminate the negative stereotypes and adverse traditional beliefs and practices that discriminated against women.[44]

18. CEDAW recommended that Jamaica amend the legal provisions and administrative forms that discriminated against women in relation to family life; strengthen protection and support for women in common-law unions; and strengthen efforts to eliminate stereotypical attitudes regarding the roles of women and men in the family through awareness-raising campaigns. CEDAW further recommended that the provision of parental education be

strengthened, with the aim of promoting the shared responsibility of both parents in relation to the care and maintenance of the child.[45]

19. While noting that gender mainstreaming had been advancing through the approval of the national policy for gender equality in 2011 and that gender focal points had been designated in key Government ministries, CEDAW was concerned about the limited financial and human resources allocated to the Bureau of Women's Affairs, the national machinery for the advancement of women in Jamaica. The Committee recommended that Jamaica strengthen the capacity of the Bureau of Women's Affairs to coordinate and oversee the preparation and implementation of legislation, policies and programmes in the field of gender equality.[46] CESCR made similar recommendations.[47]

20. HR Committee regretted that the right to freedom from discrimination had failed to prohibit discrimination on grounds of sexual orientation and gender identity and recommended that Jamaica should amend its laws with a view to prohibiting discrimination on the basis of sex, sexual orientation and gender identity. It also recommended that Jamaica should decriminalize sexual relations between consenting adults of the same sex, and put an end to prejudices and social stigmatization of homosexuality.[48] UNCT affirmed that criminalization of private, consensual same-sex sexual acts perpetuated homophobia and made HIV-prevention messaging difficult.[49]

21. UNCT recommended that Jamaica to amend the Sexual Offenses Act to redefine rape and remove conditionality for marital rape; pass the Occupational Health and Safety Act to prevent discrimination against HIV-positive persons in the workplace; align its norms with related ILO recommendations and develop data-protection legislation in the context of the Sexual Offenses Act and HIV.[50]

22. While taking note of the ethnically diverse population of Jamaica, CERD regretted the absence of information from Jamaica on the socioeconomic situation of the different groups.[51]

23. CERD noted the absence of court cases on indirect or direct discrimination based on race, colour descent, national or ethnic origin. CERD encouraged Jamaica to ensure that the lack of court cases on racial discrimination was not due to victims' lack of awareness of rights, individuals' lack of confidence in police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.[52]

B. Right to life, liberty and security of the person

24. While noting that Jamaica had made progress in lifting the mandatory death sentence for certain crimes in 2005 and that the State had not carried out judicial executions since 1988, the HR Committee was concerned that Jamaica did not intend to abolish the death penalty.[53] The SR on Torture stated in 2012 that, under the conditions of its imposition and execution in Jamaica, the practice of capital punishment constituted cruel, inhuman or degrading treatment or, in some cases, torture.[54] The HR Committee encouraged the State to abolish the death penalty.[55]

25. HR Committee was concerned at reports of excessive use of force by law enforcement personnel, and referred particularly to the state of emergency between May and July 2010 when 73 civilians were killed by law enforcement personnel. It recommended that Jamaica closely monitor allegations of extrajudicial killings and ensure that all such allegations were investigated in a prompt and effective manner with a view to eradicating such crimes.[56]

26. UNCT recommended that the Government empower the Commission of Enquiry appointed to investigate the May-July 2010 case to receive the cooperation of public

authorities; carry out on-site visits; subpoena, search and seize; and offer witness protection. It also recommended that the Government provide the Commission with records pertinent to its investigations, including classified or restricted documents, and make its procedures and powers transparent.[57]

27. HR Committee expressed its concern at threats and violent assaults and killings against human rights defenders and urged Jamaica to protect human rights defenders whose lives and security were under threat due to their professional activities. HR Committee recommended that Jamaica ensure the prompt, effective, thorough, independent and impartial investigation of such acts, prosecute the perpetrators, and provide compensation to the victims or members of their families.[58]

28. The SR on Torture expressed concern about the reported cases of torture and ill-treatment by law enforcement bodies, including the reported de facto extrajudicial killings by police, and the lack of prompt and thorough investigations into allegations of ill-treatment or excessive use of force by police and the number of convictions made.[59] HR Committee was concerned about the continued occurrence of torture and ill-treatment by law enforcement authorities and the limited number of convictions of those responsible.[60]

29. The SR on Torture noted that torture was prohibited under the Charter of Fundamental Rights and Freedoms. However he remained concerned that there was no definition of torture as a separate offence in the criminal law.[61]

30. The SR on Torture called upon the authorities to ensure prompt and thorough ex officio investigations for all allegations of ill-treatment or excessive use of force by police by clarifying the mandates of the Independent Commission of Investigations (INDECOM) and the Office of the Director of Public Prosecutions with respect to the conduct of investigations and prosecutions.[62] HR Committee also recommended that Jamaica guarantee that perpetrators of such acts were prosecuted and punished and that victims received adequate reparations.[63]

31. The SR on Torture urged the Government to reduce, as a matter of priority, the period of police custody to a maximum of 48 hours and to ensure that access to lawyers of the suspect's own choosing was granted from the very moment of apprehension.[64]

32. UNCT stated that gender-based violence was widespread and recommended that Jamaica adopt and resource the draft National Strategic Action Plan on the Elimination of Gender-Based Violence.[65] CEDAW was concerned that the incidence of domestic violence remained high. It recommended that Jamaica encourage the reporting of domestic and sexual violence against women and girls; ensure that all such acts were investigated, victims and witnesses were protected and perpetrators prosecuted and sentenced within a reasonable time frame; strengthen victim assistance; provide comprehensive training for relevant professionals on the application of protection orders under the Domestic Violence Act; approve the draft sexual harassment policy; and urgently adopt comprehensive legislation to combat sexual harassment.[66] HR Committee and CESCR made similar recommendations.[67]

33. CEDAW was concerned that the Sexual Offences Act 2009 protected against marital rape only in certain circumstances and that rape within marriage was not always criminalized. It urged Jamaica to ensure strict enforcement of the Domestic Violence Act, the Sexual Offences Act and all other legislation intended to protect women from violence, and to amend the Sexual Offences Act with a view to criminalizing all marital rape, with no restrictive conditions.[68]

34. CESCR remained concerned at the continuing use of child labour. It urged Jamaica to, inter alia, prosecute and effectively sanction perpetrators of child labour.[69] CESCR also recommended that Jamaica adopt the Occupational Health and Safety Bill containing the

list of prohibited types of hazardous employment or work for persons below the age of 18 without further delay and ensure that the Child Labour Unit of the Ministry of Labour and Social Security was provided with sufficient resources to effectively enforce the Child Care and Protection Act.[70]

35. CESCR was deeply concerned at high levels of violence, use of corporal punishment in the home and in schools, abuse, neglect and sexual exploitation of children, as well as child victims' lack of access to psychosocial support. It was also deeply concerned at reports of sexual, physical and mental abuse of children at the hands of caregivers in children's homes and places of safety supervised by the Child Development Agency. CESCR strongly urged Jamaica to eradicate all forms of violence against children.[71] In 2015, CRC expressed concern about the high rate of crime and violence, including the number of murdered children, and gang violence in poor inner-city communities and urged Jamaica to adopt and implement a national strategy to address key issues and challenges pertaining to children as victims, perpetrators and witnesses of acts of violence and abuse.[72]

36. CRC recommended that Jamaica, inter alia, amend its legislation to explicitly prohibit corporal punishment in all settings, including the family, schools and institutions, and explicitly repeal the common law right to inflict "reasonable and moderate" punishment.[73] It also recommended that Jamaica establish an easily accessible mechanism for children and others to report cases of abuse and neglect and to ensure that acts of sexual abuse and exploitation were effectively investigated and that the perpetrators were brought to justice.[74]

37. HR Committee was concerned at the prevalence of trafficking in persons for sexual exploitation and forced labour and particularly at the low level of investigations, prosecutions and convictions in that area, and at the lack of prevention and protection mechanisms for victims, including rehabilitation schemes. It recommended that Jamaica identify victims of trafficking; train its police officers, border personnel, judges, lawyers and other relevant personnel; ensure that all perpetrators of trafficking in persons were investigated and prosecuted; and provide adequate protection, reparation and compensation and rehabilitation to the victims.[75] CESCR and CEDAW made similar recommendations.[76] CRC also recommended that Jamaica review its current legislation and policies on adoption with a view to ensuring that the best interests of the child were of primary consideration.[77]

38. CRC recommended that Jamaica take measures to prevent children from being economically exploited by adopting legislation and policies to address child labour in both the formal and informal sectors.[78]

C. Administration of justice, including impunity, and the rule of law

39. HR Committee remained concerned at the delays in the dispensation of justice. It recommended that Jamaica urgently reform the justice sector by implementing the Jamaican Justice Reform recommendations to ensure speedy and fair trials. HR Committee also recommended that Jamaica enhance the availability of lawyers that provided legal services on a pro bono basis.[79] UNCT stated that, although progress had been made in the implementation of the recommendations of the Task Force report, including the establishment of the Justice Reform Implementation Unit, justice reform measures so far had been fragmentary and in order for reforms to be truly effective, the entire system needed to be assessed and a cohesive and a broad-ranging strategy to modernize the justice system needed to be developed.[80]

40. HR Committee was concerned at reports that the Office of the Director of Public Prosecutions (ODPP) was inefficient, as it had failed to expedite the initiation and

prosecution of criminal proceedings. It recommended that Jamaica ensure that the ODPP efficiently discharged its prosecutorial functions.[81]

41. HR Committee recommended that Jamaica clarify the mandates of INDECOM and ODPP with regard to powers to prosecute law enforcement personnel under INDECOM investigation to ensure that there was no conflict of mandates.[82] It recommended that Jamaica ensure that INDECOM was adequately resourced to be able to carry out independent and effective investigations into alleged cases of extrajudicial killings and assaults by law enforcement personnel.[83]

42. CEDAW was concerned about the absence of a complaints mechanism for women to report cases of discrimination in Jamaica and recommended that the State establish such a mechanism and ensure that women have effective access to justice in all parts of the country.[84] UNCT recommended that the Government, inter alia, ensure that women and girls have effective access to justice, including through the provision of legal aid.[85]

43. The HR Committee was particularly concerned at reports of overcrowding and deplorable sanitary conditions in prisons and places of detention in Jamaica and at the limited application of alternatives to imprisonment. It recommended that Jamaica, inter alia, put in place a system to segregate accused persons from convicted persons and minors from other prisoners, take steps to ensure that the Standard Minimum Rules for the Treatment of Prisoners were respected and consider the wider application of alternative non-custodial sentences.[86] UNCT stated that, during 2012 and 2013, the Government had addressed the inappropriate treatment of children who had come into contact with the law, including their placement in adult prisons and police lockups in excess of 48 hours.[87]

44. CRC recommended that Jamaica strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration was appropriately integrated and consistently applied in all legislation, administrative and judicial proceedings and decisions.[88] CRC also recommended that Jamaica promote restorative justice and alternative measures to detention for boys and girls in conflict with the law.[89]

D. Right to privacy, marriage and family life

45. CESCR expressed concern at the low minimum age for marriage, which was set at 16 years of age, and called upon Jamaica to amend its legislation and raise it to 18 years to protect children from early and forced marriage.[90]

46. CEDAW was concerned about the complicated proceedings for divorce, which required that the parties be married for a minimum of two years and de facto separated for one year; also, it was the courts rather than the parties which decided whether to grant a divorce. CEDAW recommended that Jamaica review the legislation and proceedings regarding divorce with a view to simplifying the process and ensuring that women were not placed in disadvantaged or harmful positions due to restrictive legal proceedings.[91]

47. CRC recommended that Jamaica strengthen efforts to ensure that all children were provided with birth certificates free of charge, including through mobile units and outreach programmes.[92]

E. Freedom of expression and right to participate in public and political life

48. While welcoming the appointment of several women in leadership positions in Government, CEDAW was concerned that the levels of elected women have increased marginally in recent years and recommended that Jamaica encourage political parties to

nominate more women as candidates and create an enabling environment for the political participation of women.[93] UNCT recommended that the Government adopt quotas and temporary special measures towards achieving substantive equality between women and men.[94]

F. Right to work and to just and favourable conditions of work

49. CESCR was concerned at the high rates of occupational deaths and accidents in Jamaica, and at the failure of employers, particularly small and medium-sized enterprises, to uphold laws relating to vacation and maternity leave entitlement, and safe and healthy working conditions. It called upon Jamaica to ensure safe, just and healthy conditions of work.[95]

50. While recognizing the Employment (Equal Pay for Men and Women) Act, CEDAW was concerned that women earned less than their male counterparts for comparable work. It recommended that Jamaica eliminate occupational segregation and achieve substantive equality between men and women in the labour market.[96] The ILO Committee of Experts on the Application of Conventions and Recommendations urged the Government to revise section 2 of the Employment (Equal Pay for Men and Women) Act in order to incorporate in the legislation the concept of "work of equal value" and give full expression to the principle of equal remuneration for men and women for work of equal value.[97]

51. CESCR expressed concern at discrimination against and harassment of women in the workplace. It urged Jamaica to adopt and enforce comprehensive legislation prohibiting gender discrimination and sexual harassment in the workplace with effective remedies for victims and to adopt the draft sexual harassment policy without further delay.[98]

52. CESCR expressed concern that youth unemployment was three times higher than that of adults and recommended that Jamaica adopt long-term policies and strategies to address the root causes of youth unemployment, and to adopt employment strategies and policies aimed specifically at women.[99] CEDAW raised similar concerns with regard to rural women and women who suffer multiple forms of discrimination owing to old age and disabilities.[100]

53. The ILO Committee of Experts requested the Government to ensure the adoption of the provisions of the draft Occupational Safety and Health Act which would enable labour inspectors to enforce appropriate sanctions. It also requested that the Government strengthen the capacity and expand the reach of the labour inspectorate, including the allocation of additional resources, in preparation for the labour inspectorate's expanded role in monitoring the informal economy.[101]

54. CESCR expressed concern at the high percentage of workers' votes required to exercise the right to collective bargaining; the lack of trade unions in export processing zones; and the alleged practice by companies in those zones of threatening workers and creating pro-employer councils to interfere with the handling of complaints. It recommended that Jamaica amend the Labour Relations and Industrial Disputes Act and its regulations in order to lower the current requirement of at least 40 per cent of workers' votes in a unit or 50 per cent of total votes to exercise the right to collective bargaining and to take effective measures against companies that prevented the right of all workers to form and join trade unions.[102]

G. Right to social security and to an adequate standard of living

55. CESCR expressed deep concern at the high ratio of debt to gross domestic product as well as the persistence of high rates of poverty, income disparity and unemployment.[103] CRC recommended that Jamaica intensify its efforts to address the high level of child poverty and partner with UNICEF and others to promote a strategy to guarantee a minimum level of access to basic services and financial security to children.[104]

56. While noting Jamaica's efforts to ensure the long-term viability and sustainability of its social security programme, including through the implementation of Vision 2030 Jamaica, CESCR reiterated its concern that the social security scheme did not provide for universal coverage. It reiterated its recommendation to strive for universal coverage under the social security system, with priority to disadvantaged and marginalized groups in society.[105]

57. CESCR took note of the difficulties faced by Jamaica to guarantee the right to adequate food by way of local production due to the frequency of natural hazards, inefficient farming practices, lack of suitable land, and increases in commodity prices. It was also concerned that exposure to cheaper imports based on new trading agreements had led to the displacement of local farmers.[106]

58. CESCR expressed concern at the acute housing situation in Jamaica as well as the rapid growth of squatter communities in urban areas in overcrowded, unsafe and dilapidated housing. It recommended that Jamaica adopt a comprehensive national housing strategy with a view to ensuring access to adequate and affordable housing with legal security of tenure for everyone.[107]

59. CESCR welcomed Jamaica's efforts towards the attainment of universal access to safe potable water, as set out in the Jamaica Water Sector Policy: Strategies and Action Plans. However, CESCR remained concerned that almost half of the rural population lacked access to safe potable water and to adequate sanitation facilities.[108]

H. Right to health

60. CESCR called upon Jamaica to take further measures to increase the availability, accessibility and quality of health-care services with qualified personnel.[109]

61. HR Committee was concerned at the prohibition of abortion and recommended that Jamaica amend its abortion laws to help women avoid unwanted pregnancies and not resort to illegal abortions.[110] CRC recommended that Jamaica foster responsible parenthood and sexual behaviour, undertake legal and policy reform to increase availability of sexual and reproductive health information.[111]

62. CEDAW welcomed the recent policy initiatives to strengthen women's access to health care and recommended that Jamaica improve access to and the quality of sexual and reproductive health services for women and girls, including by ensuring free and adequate access to contraceptives and by promoting education on sexual and reproductive health and rights.[112]

63. CESCR welcomed the efforts to combat HIV/AIDS, but remained concerned that HIV continued to be one of the leading causes of death among adults. CESCR recommended that Jamaica provide adequate resources to effectively implement the National HIV/STI Programme and requested Jamaica to ensure that discrimination against persons with HIV/AIDS was prohibited under its legislation.[113]

I. Right to education

64. CESCR expressed concern at the underperformance and high drop-out rates at primary and secondary levels, and at the quality of education at all levels, particularly in rural areas. CESCR called upon Jamaica to increase access to education for disadvantaged and marginalized groups.[114]

65. CEDAW was concerned about the persistence of barriers to quality education for girls and young women, including early pregnancy and teenage motherhood. It recommended that Jamaica develop a plan of action for the reintegration of pregnant girls and young mothers into schools.[115]

J. Persons with disabilities

66. CESCR was concerned that persons with disabilities continued to face discrimination in employment and denial of access to schools; it recommended that Jamaica combat discrimination against persons with disabilities.[116] CEDAW made similar recommendations with regard to women and girls with disabilities.[117] CRC recommended that Jamaica ensure the provision of inclusive education accessible to children with disabilities and to take all necessary measures to ensure that they were fully integrated into all areas of social life.[118]

K. Minorities and indigenous peoples

67. CESCR noted that there was no legislation specifically addressing the protection of traditional knowledge of indigenous peoples or communities as a whole, and encouraged Jamaica to protect traditional knowledge and cultural expressions.[119]

68. CESCR expressed concern at reports that the infrastructural needs of Maroons had been neglected by Jamaica, and recommended that the State fully guarantee the economic, social and cultural rights of that community, and ensure the protection of their tradition and culture.[120]

L. Migrants, refugees and asylum seekers

69. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government, inter alia, develop, enact and implement legislation consistent with accepted international standards, which would include conducting fair and expeditious procedures for status determination and guaranteeing the rights of all recognized refugees in Jamaica; facilitate access to asylum procedures for persons who have expressed a fear of returning to their country of origin; and ensure *non-refoulement* of all persons in need of international protection.[121] HR Committee regretted the lack of legislation on asylum-seeker and refugee protection and recommended that Jamaica provide asylum seekers and refugees with recognized identification cards to ensure equal access to social and economic opportunities.[122] CESCR and CERD made similar recommendations.[123]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Jamaica from the previous cycle (A/HRC/WG.6/9/JAM/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] Jamaica ratified ICCPR-OP1 in 1975; on 23 October 1997, the Government of Jamaica notified the Secretary-General of that it was denouncing the Protocol.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[7] International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[8] International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).

[9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[10] E/C.12/JAM/CO/3-4, para. 34.

[11] CEDAW/C/JAM/CO/6-7, para. 42.

[12] Ibid., para. 39.

[13] Ibid., para. 36.

[14] CCPR/C/JAM/CO/3, paras. 7 and 17; also A/HRC/19/61/Add.3, para. 56.

[15] CERD/C/JAM/CO/16-20, para. 14; CEDAW/C/JAM/CO/6-7, para. 28

[16] CEDAW/C/JAM/CO/6-7, para. 34; also UNHCR submission for the UPR of Jamaica, pp. 6 and 7.

[17] CERD/C/JAM/CO/16-20, para. 6.

[18] CRC/C/JAM/CO/3-4, paras. 66 and 67.

[19] CEDAW/C/JAM/CO/6-7, para. 5; see also UNCT submission for the UPR of Jamaica, para. 7.

[20] E/C.12/JAM/CO/3-4, para. 8; also CEDAW/C/JAM/CO/6-7, paras. 11 and 12; CCPR/C/JAM/CO/3, para. 8; and CERD/C/JAM/CO/16-20, paras. 7 and 9.

[21] UNCT submission for the UPR of Jamaica, para. 9.

[22] CCPR/C/JAM/CO/3, para. 6.

[23] E/C.12/JAM/CO/3-4, para. 6.

[24] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[25] A/HRC/19/61/Add.3, para. 50; see also: E/C.12/JAM/CO/3-4, para. 7; CERD/C/JAM/CO/16-20, para. 8; CEDAW/C/JAM/CO/6-7, para. 14; and CCPR/C/JAM/CO/3, para. 5.

[26] CCPR/C/JAM/CO/3, para. 5; CERD/C/JAM/CO/16-20, para. 8; CEDAW/C/JAM/CO/6-7, para. 14; and E/C.12/JAM/CO/3-4, para. 7.

[27] See A/HRC/16/14, para. 98.3: "Continue harmonizing its domestic legislation with its international human rights obligations (Nicaragua)".

[28] UNCT submission for the UPR of Jamaica, paras. 5 and 6.

[29] UNESCO submission for the UPR of Jamaica, paras. 25 and 26.

[30] CRC/C/JAM/CO/3-4, paras. 12 and 13.

[31] Ibid., para. 19.

[32] The following abbreviations are used in UPR documents:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Committee on the Rights of Persons with Disabilities;
CED	Committee on Enforced Disappearances;
SPT	Subcommittee on Prevention of Torture.

[33] CRC/C/JAM/CO/3-4, para. 68.

[34] CERD/C/JAM/CO/16-20, para. 17.

[35] CCPR/C/JAM/CO/3, para. 27.

[36] See CCPR/C/JAM/CO/3/Add.1 and Corr.1

[37] Letters from the Special Rapporteur for follow-up to concluding observations of the Human Rights Committee to the Permanent Mission of Jamaica to the United Nations Office and other international organizations in Geneva, dated 3 April 2013 and 2 December 2013, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JAM/INT_CCPR_FUL_JAM_15878_E.pdf and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JAM/INT_CCPR_FUL_JAM_15877_E.pdf**Error! Hyperlink reference not valid.** .

[38] CEDAW/C/JAM/CO/6-7, para. 43.

[39] Letter from the Chairperson of CEDAW to the Permanent Mission of Jamaica to the United Nations Office and other international organizations in Geneva, dated 25 November 2014, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JAM/INT_CEDAW_FUL_JAM_18878_E.pdf.

[40] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[41] A/HRC/19/61/Add.3.

[42] UNCT submission for UPR of Jamaica, para. 6.

[43] OHCHR Management Plan 2014-2017, p. 192.

[44] CEDAW/C/JAM/CO/6-7, paras. 19, 20 and 41; see also E/C.12/JAM/CO/3-4, para. 16.

[45] CEDAW/C/JAM/CO/6-7, paras. 37 and 38.

[46] Ibid., paras. 15 and 16.

[47] E/C.12/JAM/CO/3-4, para. 12.

[48] CCPR/C/JAM/CO/3, para. 8; see also E/C.12/JAM/CO/3-4, para. 9.

[49] UNCT submission for UPR of Jamaica, para. 11.

[50] Ibid., para. 14.

[51] CERD/C/JAM/CO/16-20, para. 11.

[52] Ibid., para. 9.

[53] CCPR/C/JAM/CO/3, para. 17; see A/HRC/19/61/Add.3, para. 55.

[54] A/HRC/19/61/Add.3, para. 55.

[55] CCPR/C/JAM/CO/3, para. 17; see also A/HRC/19/61/Add.3, para. 55.

[56] CCPR/C/JAM/CO/3, para. 16; see also A/HRC/17/28/Add.1 pp. 220-221.

[57] UNCT Submission for the UPR of Jamaica, para. 29.

[58] CCPR/C/JAM/CO/3, para. 15.

[59] A/HRC/19/61/Add.3, para. 48.

[60] CCPR/C/JAM/CO/3, para. 21.

[61] A/HRC/19/61/Add.3, para. 48; see also CCPR/C/JAM/CO/3, para. 21.

[62] A/HRC/19/61/Add.3, para. 49; see also CCPR/C/JAM/CO/3, para. 21.

[63] CCPR/C/JAM/CO/3, para. 21.

[64] A/HRC/19/61/Add.3, para. 51.

[65] UNCT Submission for the UPR of Jamaica, paras. 24 and 25.

[66] CEDAW/C/JAM/CO/6-7, paras. 21 and 22.

[67] CCPR/C/JAM/CO/3, para. 19; E/C.12/JAM/CO/3-4, para. 19.

[68] CEDAW/C/JAM/CO/6-7, paras. 21 and 22; see also UNCT submission for the UPR of Jamaica, para. 14.

[69] E/C.12/JAM/CO/3-4, para. 22; see also CRC/C/JAM/Q/3-4, para. 12; and ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Minimum Age Convention, 1973 (No. 138) – Jamaica, adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:307609.

[70] E/C.12/JAM/CO/3-4, para. 22; see also CRC/C/JAM/Q/3-4, para. 12; ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Minimum Age Convention, 1973 (No. 138) – Jamaica, adopted 2012, published 102nd ILC session (2013) (see endnote 69); and Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Jamaica, adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3076234.

[71] E/C.12/JAM/CO/3-4, para. 20; also CCPR/C/JAM/CO/3, para. 20; CEDAW/C/JAM/CO/6-7, para. 25; and CRC/C/JAM/Q/3-4, para. 5.

[72] CRC/C/JAM/CO/3-4, paras. 24 and 25; also CRC/C/JAM/Q/3-4, para. 5.

[73] CRC/C/JAM/CO/3-4, para. 31; also CRC/C/JAM/Q/3-4, para. 6; and CRC/C/JAM/Q/3-4, para. 7.
[74] CRC/C/JAM/CO/3-4, paras. 33 and 35.
[75] CCPR/C/JAM/CO/3, para. 22; also CRC/C/JAM/Q/3-4, para. 14.
[76] E/C.12/JAM/CO/3-4, para. 23; CEDAW/C/JAM/CO/6-7, paras. 23 and 24; also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Jamaica, adopted 2012, published 102nd ILC session (2013) (see endnote 70); Observation concerning ILO Forced Labour Convention, 1930 (No. 29) – Jamaica, adopted 2012, published 102nd ILC session (2013), available fromhttp://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3057160; UNHCR submission for the UPR of Jamaica, pp. 4–5; UNCT submission for the UPR of Jamaica, paras. 30–32.
[77] CRC/C/JAM/CO/3-4, para. 41.
[78] Ibid., para. 59.
[79] CCPR/C/JAM/CO/3, para. 24; also UNCT submission for UPR of Jamaica, paras. 26 and 27.
[80] UNCT, submission for UPR of Jamaica, para. 26.
[81] CCPR/C/JAM/CO/3, para. 11.
[82] Ibid., para. 10.
[83] Ibid., para. 16; also A/HRC/19/61/Add.3, para. 52.
[84] CEDAW/C/JAM/CO/6-7, paras. 13 and 14; also UNCT submission for the UPR of Jamaica, para. 16.
[85] UNCT submission for UPR of Jamaica, para. 16.
[86] CCPR/C/JAM/CO/3, para. 23; also A/HRC/19/61/Add.3, para. 54.
[87] UNCT submission for the UPR of Jamaica, para. 20.
[88] CRC/C/JAM/CO/3-4, para. 23.
[89] Ibid., para. 65.
[90] E/C.12/JAM/CO/3-4, para. 21.
[91] CEDAW/C/JAM/CO/6-7, paras. 37 and 38.
[92] CRC/C/JAM/CO/3-4, para. 29.
[93] CEDAW/C/JAM/CO/6-7, paras. 17 and 18; also CCPR/C/JAM/CO/3, para. 13.
[94] UNCT submission for the UPR of Jamaica, para. 33.
[95] E/C.12/JAM/CO/3-4, para. 15.
[96] CEDAW/C/JAM/CO/6-7, paras. 27 and 28; also E/C.12/JAM/CO/3-4, paras. 13 and14; and ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Equal Remuneration Convention, 1951 (No. 100) – Jamaica, adopted 2011, published 101st ILC session (2012), available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699161.
[97] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Equal Remuneration Convention, 1951 (No. 100) – Jamaica, adopted 2011, published 101st ILC session (2012) (see endnote 96).
[98] E/C.12/JAM/CO/3-4, para. 16; also CCPR/C/JAM/CO/3, par . 18; and CEDAW/C/JAM/CO/6-7, paras. 27 and 28.
[99] E/C.12/JAM/CO/3-4, para. 13.
[100] CEDAW/C/JAM/CO/6-7, paras. 31 and 32.
[101] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Minimum Age Convention, 1973 (No. 138) – Jamaica, adopted 2012, published 102nd ILC session (2013) (see endnote 69).
[102] E/C.12/JAM/CO/3-4, para. 17.
[103] Ibid., para. 13.
[104] CRC/JAM/CO/3-4, para. 53; also CRC/C/JAM/Q/3-4, para. 10.
[105] E/C.12/JAM/CO/3-4, para. 18; also UNCT submission for the UPR of Jamaica, para. 39.
[106] E/C.12/JAM/CO/3-4, para. 26.
[107] Ibid., para. 25.
[108] Ibid., para. 24.
[109] Ibid., para. 27.
[110] CCPR/C/JAM/CO/3, para. 14; also CEDAW/C/JAM/CO/6-7, paras. 29 and 30; and E/C.12/JAM/CO/3-4, para. 29.
[111] CRC/C/JAM/CO/3-4, para. 49; also CRC/C/JAM/Q/3-4, para. 9.

[112] CEDAW/C/JAM/CO/6-7, paras. 29 and 30; also UNCT submission for the UPR of Jamaica, paras. 40–42; E/C.12/JAM/CO/3-4, para. 29; and CCPR/C/JAM/CO/3, para. 14.
[113] E/C.12/JAM/CO/3-4, para. 28; also CCPR/C/JAM/CO/3, para. 9; CRC/C/JAM/Q/3-4, para. 9; and UNCT submission for UPR of Jamaica, paras. 43–45.
[114] E/C.12/JAM/CO/3-4, para. 30; also CRC/C/JAM/Q/3-4, para. 11.
[115] CEDAW/C/JAM/CO/6-7, paras. 25 and 26.
[116] E/C.12/JAM/CO/3-4, paras. 11 and 30; and UNCT submission for the UPR of Jamaica, para. 10.
[117] CEDAW/C/JAM/CO/6-7, paras. 35 and 36
[118] CRC/C/JAM/CO/3-4, para. 43; also CRC/C/JAM/Q/3-4, para. 8.
[119] E/C.12/JAM/CO/3-4, para. 32; also UNESCO submission for the UPR of Jamaica, para. 28.
[120] E/C.12/JAM/CO/3-4, para. 31.
[121] UNHCR submission for the UPR of Jamaica, pp. 3–4.
[122] CCPR/C/JAM/CO/3, para. 12.
[123] CERD/C/JAM/CO/16-20, para. 12; E/C.12/JAM/CO/3-4, para. 10; also CEDAW/C/JAM/ CO/6-7, paras. 33 and 34; and UNHCR submission for the UPR of Jamaica, pp. 3–4.